

Exhibit 22

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

IN RE CATHODE RAY TUBE (CRT))
)
ANTITRUST LITIGATION,)
) No. 14-CV-2058 (SC)
) MDL No. 1917
This Document Relates to:)
)
ALL DIRECT PURCHASER ACTIONS)
)
)

VIDEOTAPED DEPOSITION OF KIYOSHI FURUKAWA
Los Angeles, California
Tuesday, July 14, 2015

Reported by:
KATHLEEN E. BARNEY
CSB No. 5698

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1 Q So the monthly reports that you sent to
2 Japan, were those -- did you send them
3 electronically?

4 A Yes.

5 MR. BRODY: At what time period? 09:40:34

6 MR. RUSHING: In the 2004 to 2008 time
7 period.

8 MR. BRODY: Thank you.

9 THE WITNESS: Yes.

10 BY MR. RUSHING: 09:40:40

11 Q And did you personally save them in your own
12 files?

13 A In the corporate server?

14 Q In whatever files you had access to in your
15 office, you know, your personal working files. 09:40:53

16 A Sometimes in the C drive, yes.

17 Q And were they -- was it your understanding
18 they were also saved on the corporate server?

19 A Yes.

20 Q Was there an individual at Mitsubishi 09:41:07
21 Electric U.S. who had the responsibility of saving
22 all those reports?

23 A As a paper file, I think we stored as
24 corporate strategic planning department.

25 Q So you did -- you stored paper copies in your 09:41:37

1 department?

2 A Yes, we did.

3 Q And were there also electronics -- electronic
4 copies stored, to the best of your understanding?

5 A To the best of my understanding, yes. 09:41:55

6 Q And did you have an understanding where those
7 would be stored?

8 A I have no idea.

9 Q And when you say that they were stored, did
10 you mean on the servers of Mitsubishi Electric U.S.? 09:42:12

11 A Yes.

12 Q Did you understand that they were stored in
13 Japan as well?

14 A I have no idea.

15 Q When you were at the job you took in 2008, 09:42:25
16 did you have a practice then of storing the reports
17 received from the various Mitsubishi entities? Did
18 you have a practice -- did you understand that there
19 was a procedure to save those reports somewhere?

20 A For a certain period I'm sure I think we 09:42:55
21 stored. But how long, I really have no idea.

22 Q And do you recall whether hard copies were
23 stored?

24 A Hard copies, yes.

25 Q And where were those stored, do you remember? 09:43:16

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1 A I beg your pardon?

2 Q Where were they stored?

3 A In the cabinet in our office.

4 Q Did you have a job before April 1 -- just
5 before April 1, 2004? 09:43:57

6 A I was VP of OEM sales in NEC-Mitsubishi
7 Visual Systems America, Inc.

8 Q And when did you first -- is there a
9 shorthand way that you refer to that company?

10 A NMDA -- no. NM --

09:44:40

11 Q NMVA?

12 A NMDA.

13 Q And when did you first start working for
14 NMDA?

15 A The year 2000, July 1st. 09:45:02

16 Q And did you have the same title at NMDA the
17 whole time that you worked there?

18 A Yes.

19 Q And what were your responsibilities -- when
20 you first began working there, what were your
21 responsibilities? 09:45:37

22 A My responsibility is OEM sales of display
23 monitors of NEC-Mitsubishi.

24 Q And did that include cathode ray tube --
25 monitors containing cathode ray tubes? 09:45:57

1 targets?

2 A No specific bonus for the revenue.

3 Q For -- was there -- were any of your -- the
4 people that reported to you, did they get -- were
5 their bonuses or their pay determined in any way by 09:56:02
6 the amount of the CRT monitors they sold?

7 A Based on their sales performance or the
8 technical support performance, yes, they were paid
9 according to their performance.

10 Q And did you at this time preserve -- strike 09:56:27
11 that.

12 Did you keep copies of the reports that you
13 made to the main office -- strike that -- to --
14 where was the main office of NMDA?

15 A In Chicago.

09:56:52

16 Q In Chicago. Did you keep copies of the
17 reports that you sent to Chicago?

18 A You mean now?

19 Q Then.

20 A Then. Yes.

09:57:00

21 Q Yes. And did you store paper copies?

22 A At that time, yes, I did.

23 Q And did you personally store them or was
24 there someone else who had that responsibility?

25 A I -- yes, I did it myself.

09:57:13

1 Q And where did you keep them?

2 A In my cabinet.

3 Q And were these reports transmitted to Chicago
4 electronically?

5 A I think I did it in electronic form, yes. 09:57:32

6 Q And did you understand that the reports were
7 preserved in Chicago as well?

8 A I have no idea.

9 Q Did you have any -- did you understand that
10 Chicago was reporting to NMV Japan periodically? 09:57:52

11 MR. BRODY: Object to form.

12 THE WITNESS: I really don't know.

13 BY MR. RUSHING:

14 Q Okay. Did you have -- did I ask you this
15 already? Did you have a job title at MELCO at this 09:58:08
16 time when you were at NMDA?

17 A Normal employee.

18 Q A normal Mitsubishi --

19 A Normal Mitsubishi Electric employee, yes.

20 Q Okay. Prior to your job with NMDA -- did you 09:58:23
21 ever -- strike that.

22 Did you ever work for NMV?

23 A NMV in Japan?

24 Q Yes.

25 A No. I was working in NMDA. 09:59:02

1 Q Okay. And as a director of planning in
2 information technology, did you receive reporting
3 from Mitsubishi -- other parts of Mitsubishi
4 Electric or other companies owned by Mitsubishi
5 Electric related to CRTs or products containing 10:01:21
6 CRTs?

7 MR. BRODY: Object to form.

8 THE WITNESS: No. No.

9 BY MR. RUSHING:

10 Q What did you -- what did you do in your job 10:01:31
11 as -- strike that.

12 What responsibilities did you have in your
13 job as director of planning in information
14 technology relating to products containing CRTs?

15 A The sales activities to make up the revenue 10:01:49
16 and profit. So I oversee those activities.

17 Q And so how were you informed of the sales
18 activities of CRT monitors?

19 A From VP of sales or VP of operations.

20 Q And what I'm getting at is, did you get a 10:02:25
21 written report from any of these people telling you
22 what the sales were?

23 A Yes. I -- I remember, yes.

24 Q Okay. So were those -- were they periodic
25 reports? 10:02:39

1 A Yes, it's each month.

2 Q Each month. Okay. Okay.

3 And did you get reports relating to sales of
4 CRT monitors in the United States at that time?

5 A Yes, I did.

10:03:01

6 Q Okay. And where did those reports come from?

7 A From VP of sales.

8 Q VP of sales MELCO?

9 A Oh, worldwide you mean? It comes from VP of
10 sales in Mitsubishi Electric and Electronics
11 America, Inc.

10:03:18

12 Q Right. Okay. So you got monthly sales
13 reports from Mitsubishi Electronics U.S. relating to
14 the sales of CRT monitors at -- you know, during the
15 time that you were director of planning in
16 information technology; is that correct?

10:03:34

17 MR. BRODY: Object to form.

18 THE WITNESS: Yes. Because sales
19 organization is under the same organization with me.
20 So it's Mitsubishi Electric and Electronics
21 Americas, Inc., and there is a sales department, and
22 I am in the planning department. And sales
23 department report to the president, and I get the
24 reports too.

10:03:48

25 ////

1 BY MR. RUSHING:

2 Q Right. I didn't -- sorry. Were you
3 finished?

4 A Yes.

5 Q I didn't mean that they reported to you 10:04:08
6 specifically and only to you. I meant were there,
7 you know, monthly sales -- general reports that were
8 circulated amongst the relevant people in the
9 company?

10 A Relevant people in Mitsubishi Electric and 10:04:21
11 Electronics America, yes.

12 Q Okay. All right. Maybe I'm confused. When
13 you were director of planning in the information
14 technology group, was that for MELCO or for
15 Mitsubishi Electric? 10:04:51

16 A Mitsubishi Electric and Electronics America.

17 Q America. Okay. I'm sorry. My problem. My
18 fault.

19 And were these -- so at this time, Mitsubishi
20 Electric U.S. was also making monthly reports of 10:05:12
21 sales and other activity to MELCO in Japan; is that
22 correct?

23 MR. BRODY: Object to form.

24 THE WITNESS: I -- Mitsubishi Electric and
25 Electronics America, Inc. has multiple divisions, 10:05:28

1 and one of the group is information technology
2 group, and I resided there. And in that information
3 technology group, there was sales organization,
4 planning organization, operations, and other groups,
5 and as information technology group, yes, we make or 10:05:46
6 made a report, and it was sent -- it was sent to
7 Japan too, yes.

8 BY MR. RUSHING:

9 Q And this report would include the sales of
10 CRT monitors? 10:06:02

11 A Yes, it included.

12 Q And did you maintain copies of the reports
13 that were sent to Japan?

14 A You mean now or --

15 Q No, then. 10:06:14

16 A Yes, we did at that time.

17 Q Okay. And where were they stored?

18 A In the cabinet, yes, in our office.

19 Q And did you also maintain electronic copies?

20 A I can't remember. I don't think so. 10:06:32

21 Q And how were these reports transmitted to
22 Japan at this time?

23 A At that time could have been fax, could have
24 been mailed. I can't remember whether it was in
25 electronic format or not. 10:06:54

1 Q And how were these reports circulated within
2 Mitsubishi Electric America?

3 A In America, yes, it was sent -- it was -- the
4 report was sent to the group president and sent out
5 to Mitsubishi Electric and Electronics America's 10:07:11
6 president too.

7 Q Did you have an e-mail account at that time?

8 A Yes, I did.

9 Q And when you changed -- when you changed your
10 job to NMDA, did your e-mail change? 10:07:35

11 A Yes, I think so. I thought so, yes.

12 Q Did you take steps to bring your -- all of
13 your e-mail with you?

14 A No. I don't think so.

15 Q Do you know what happened to the e-mails that 10:07:51
16 were in your account with the Mitsubishi Electric
17 America?

18 A I have no idea.

19 Q Do you have any access to them now?

20 A No. 10:08:10

21 Q When you were at NMDA, did you have an e-mail
22 account?

23 A Yes, I did.

24 Q What was the e-mail address?

25 A I can't remember. 10:08:30

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1 Q Did you have the same address from start to
2 finish at NMDA?

3 A I presume so. But I'm not hundred percent
4 sure.

5 Q Okay. Did you take any steps to preserve 10:08:42
6 your e-mail when you left NMDA in 2004?

7 A No. I just, you know, changed the company,
8 so left it there.

9 Q So --

10 A I don't know. 10:09:02

11 Q Sorry. Were you finished?

12 A I don't know what happened to it.

13 Q So you didn't make any copies or any backups
14 when you left NMDA?

15 A No, no. 10:09:12

16 Q Do you know what the policy of -- did you
17 understand that the -- that there were backups made
18 of the e-mail server at NMDA?

19 A I have no idea.

20 Q Did you preserve any of the records -- strike 10:09:28
21 that.

22 Did you bring with you any of the records,
23 the NMDA records you had accumulated when you left
24 NMDA?

25 A No, no. 10:09:48

1 Mitsubishi Electric U.S., Inc.?

2 A I'm not sure about that in strict terms.

3 Q Did Mitsubishi -- is there a shorthand way
4 that you refer to this company?

5 MR. BRODY: Which company?

10:14:16

6 BY MR. RUSHING:

7 Q Mitsubishi Electric and Electronics Group,
8 Inc., that --

9 A We call the company MELA, M-E-L-A.

10 Q Okay. And was MELA -- was there any other
11 Mitsubishi company that sold CRT monitors in the
12 United States at that time?

13 A CRT monitors, no. CRT TV, yes.

14 Q And what was the company that sold CRT TVs?

15 A Mitsubishi Electric Display America --
16 digital -- I can't remember the correct name, but we
17 call the company MDEA.

18 Q And did you receive periodic reporting
19 from -- strike that.

20 Were you one of the people who received
21 periodic reporting from MELA on the sale of CRT
22 monitors in the United States?

23 A When I was in Japan?

24 Q Yes.

25 A Yes. 10:15:25

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1 Q I'm speaking about the job you had from
2 December, 1994, through December, 1998.

3 A Yes.

4 Q And do you know if those reports -- at that
5 time, did you take steps -- did you or anyone, to 10:15:49
6 your understanding, take steps to preserve the
7 reports you received from MELA?

8 A Yes, we kept them in the cabinet, yes.

9 Q Okay. Did you -- were you aware -- during
10 this time frame when you had this job as a section 10:16:08
11 manager --

12 A Yes.

13 Q -- were you aware that these reports, any of
14 these reports were ever destroyed?

15 A I don't know. I have no idea. 10:16:20

16 Q And when you say -- so -- strike that.

17 So when you say they were kept in the
18 cabinet, you are referring to, of course, hard
19 copies?

20 A Yes, hard copies. Yes. 10:16:56

21 Q Do you know if there were electronic copies
22 ever made?

23 A I don't know. I don't think so. I don't
24 know.

25 Q Was there ever -- are you aware of any 10:17:08

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1 initiative in the late '90s or -- the late '90s at
2 Mitsubishi to convert paper records into electronic
3 records?

4 A I don't think so. I don't recall that.

5 Q So going back to the time frame when you were 10:17:19
6 working for NMDA --

7 A Yes.

8 Q -- did you -- how did -- did you have a group
9 of your main customers?

10 A Yes. 10:18:02

11 Q And what -- can you recall those customers?

12 MR. BRODY: I'm sorry, just so we have the
13 initials right, we're talking about NMDA? Is that
14 what you said?

15 MR. RUSHING: Yes. The American subsidiary 10:18:13
16 of NMV.

17 MR. BRODY: Perfect. I just wanted to make
18 sure I understood. Thank you.

19 THE WITNESS: It was Compaq computers,
20 Hewlett-Packard. Sun Microsystems. Gateway 10:18:27
21 computers.

22 CRT monitors specifically?

23 BY MR. RUSHING:

24 Q Yes.

25 A Those are the customers I can remember. 10:18:54

1 To the extent the CRT monitors did not
2 contain Mitsubishi CRTs, do you know who
3 manufactured the other ones?

4 A I don't know. I can't remember.

5 Q When did you -- when did you first learn 11:18:03
6 about this case?

7 A I can't -- I can't recall when.

8 Q Have you known about it for more than a year?

9 A More than a year, yes.

10 Q More than two years? 11:19:11

11 A More than two years, yes.

12 Q Have you ever been asked to search for
13 documents?

14 A Because I understand -- I think I know there
15 was a litigation hold for LCD and CRT. I can't 11:19:28
16 remember which one was when and which one was which.

17 Q So do you remember receiving a litigation
18 hold for one of those cases?

19 A I really can't remember actually when the --
20 the paper itself, but I'm sure I received one. 11:20:00

21 Q Well, do you have an actual recollection of
22 receiving one?

23 MR. BRODY: Object to form.

24 THE WITNESS: I remember LCD litigation hold.

25 CRT, I'm sure I think I got one. 11:20:28

1 BY MR. RUSHING:

2 Q I'm just trying to understand -- if you
3 haven't -- I mean, I still don't think you've told
4 me whether you have an actual recollection of
5 getting a CRT litigation hold. Sometimes -- you 11:20:46
6 know, sometimes the way our memory works, somebody
7 tells me that one was sent out, and you don't have a
8 recollection, but you reason from that fact to -- to
9 the conclusion that you must have received one.

10 And so what I want to know is, do you have an 11:21:07
11 actual recollection of getting the CRT -- a CRT
12 litigation hold letter?

13 MR. BRODY: Object to the form of the
14 question, the preface.

15 THE WITNESS: Can you change it in a 11:21:45
16 different way of asking? Do I have a recollection?

17 BY MR. RUSHING:

18 Q Yes.

19 A I'm not so sure. That's the answer. But it
20 should have been. I must have received one. 11:22:00

21 Q Okay. And have you ever been asked to search
22 for documents needed for the litigation?

23 A I provided to our legal department the
24 documents which were related to either LCD or CRT.

25 So I did provide. 11:22:33

1 Q And at the same time you did this or
2 separately?

3 A I can't remember which one was which, but I
4 provided materials to legal, but I cannot recall
5 whether it was for LCD or CRT or both of them. 11:22:52

6 Q And when did you do that? And if there was
7 more than one time, please tell me that too.

8 A Oh, just once. 2000 something, before I
9 leave -- left United States last time, so before
10 2008. 11:23:26

11 Q And when did you go back to Japan? Wait.
12 Strike that.

13 In that time frame, when did you go back to
14 Japan?

15 A 2008. 11:23:54

16 Q On what date?

17 A April.

18 Q April, 2008?

19 A Oh, March. March, 2008.

20 Q And so after that time, you've never been 11:24:04
21 asked to -- strike that.

22 After March, 2008, have you ever been asked
23 to collect documents responsive to discovery in this
24 action?

25 A I don't think so. 11:24:29

1 Q So does it -- I'm going to -- this case --
2 the first cases in this case were filed in November
3 of 2007. Does that refresh your recollection that
4 to the extent you collected documents before you
5 went back to Japan, it was for LCDs and not for 11:25:02
6 CRTs?

7 MR. BRODY: Object to form.

8 THE WITNESS: I can't remember.

9 MR. RUSHING: Okay. All right. I have
10 another document I'd like to mark. Let's do this 11:25:31
11 one first. This will be next in line, which is
12 8220, I think.

13 (Exhibit 8220 was marked for identification
14 by the court reporter and is attached hereto.)

15 BY MR. RUSHING: 11:27:28

16 Q Actually, I have just a couple more questions
17 before we get to this document.

18 You said you collected some documents and
19 gave them to the legal department. Do you recall
20 how many documents there were? 11:27:36

21 A I can't remember. It's just, you know, like
22 this papers (indicating).

23 Q So a stack of six inches high?

24 A Like this (indicating).

25 Q Well, why don't you tell me how tall it was. 11:27:51

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1 A My genuine guess is up to December of 1999 or
2 November time frame, maybe I think that was based on
3 the actual figure.

4 Q So the next column is "2000 SY"?

5 A Right. 01:58:11

6 Q What does that mean?

7 MR. BRODY: Object. Foundation.

8 THE WITNESS: I cannot remember this one.

9 Because this year we formed the joint venture with
10 NEC-Mitsubishi. So that's why there was a short 01:58:30
11 period -- shorter year. So that could be the short
12 year and FY is the full year. I really don't know.

13 That's my guess.

14 BY MR. RUSHING:

15 Q Okay. So when you were at MELA, where was 01:59:06
16 the office again? In Cypress?

17 A In Cypress, yes.

18 Q Did you have a -- did you use kind of
19 off-site storage facility like Iron Mountain or
20 anything like that to store -- you know, when the 01:59:50
21 filing cabinet got full, did you box things up and
22 send them to a facility like that?

23 A I can't remember. I don't recall.

24 Q Okay. And when you were at NMDA, do you
25 recall if they used an off-site storage facility? 02:00:16

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1 A I don't think so. I -- I really can't
2 remember.

3 MR. RUSHING: Okay. Let's mark this one.

4 MR. BRODY: Another untranslated document.

6 MR. RUSHING: Yes.

7 (Exhibit 8224 was marked for identification
8 by the court reporter and is attached hereto.)

9 BY MR. RUSHING:

10 Q This is Exhibit 8224. It's a multi-page 02:01:54
11 document bearing Bates numbers ME 00131497 through
12 513. I'm interested in one page, which is 501. And
13 the first page.

14 Mr. Furukawa, have you had a chance to review
15 the exhibit?

16 A Yes.

17 Q Do you recognize it?

18 A I don't recognize this specifically.

19 Q If you turn to page 501.

20 | A Yes . 02:03:52

21 Q At the top under the heading "ITG" --

22 A Yes.

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23      Q -- there are a number of columns under the
24 heading "1995."
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25 A Yes. 02:04:09